

Wilson County Board of Zoning Appeals Minutes
June 18, 2020

The Wilson County Board of Zoning Appeals met June 18, 2020 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Abercrombie, Kawczynski, Neal, Thompson and Thorne. Also, present was County Planning staff, Building Inspector staff, Storm Water staff, County Attorney Mike Jennings and Court Reporter Wilma Hutchison, with Briggs and Associates, hired by the county.

Thompson called the meeting to order. Thompson informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Thompson informed individuals that anyone desiring to withdraw, or request deferral could do so at this time. Thompson informed everyone that a stenographer was present, and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Thompson then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the May 21, 2019 meeting were deferred to the July 16, 2020 meeting for approval due to the May meeting being so lengthy and the minutes not being available in time.

The following cases were presented:

CASE 3793 WITHDRAWN BY APPLICANT (Deferred from May 21, 2020 meeting)

REQUEST: **Danny Hale** is seeking to establish two (2) dwellings on one (1) tract of land. The property located at 474 Nokes Road, Lot 12, Kaiser Property is Parcel 32.10 on Wilson County Tax Map 80. The property consists of 8.66 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.02 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in any residential district or any residential lots in any agricultural district.

CASE 3799

REQUEST: **James and Sherrie Newsome** are seeking a variance of five (5) feet from the north side yard setback requirement of fifteen (15) feet. The variance will allow the proposed carport to be in the side yard of the house and be ten (10) feet from the north side property line. The carport will be located on an existing concrete slab. The property located at 638 Lovers Lane, a portion of Lot 11, T. B. Bradley Farm is Parcel 49 on

Wilson County Tax Map 59. The property consists of approximately forty thousand, one hundred and ninety-three (40,193) square feet and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [resolution 15-2-12] - 4. Accessory structures shall not be located in any required side yard.

ACTION: Staff read recommendations noting a six (6) feet variance was needed to include the overhang. Applicants appeared before the board. Staff changed the recommendations to an approval due to a deed for the property being noted and recorded September 11, 1970. After discussion, motion made by Neal, second by Abercrombie. Thompson amended the variance to be six (6) feet instead of five (5) feet to include overhang and all voting aye, the request was approved based on testimony given and the property predating the zoning ordinance.

CASE 3800

REQUEST: Joseph Adams is seeking a variance of five (5) feet from the northwest side yard setback requirement of ten (10) feet. The variance will allow the detached garage to be five (5) feet from the northwest side property line. The property located at 6670 Murfreesboro Road, Lot 12, Majors Landing is Group "A", Parcel 7 on Wilson County Tax Map 136 "E". The property consists of .65 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [resolution 15-2-12] -

ACTION: Staff read recommendations amending the variance to the southwest side instead of the northwest side. Whit Gammon with Boggs Builders appeared before the board. After discussion, motion made Kawczynski, second by Neal and all voting aye, the request was denied based on staff recommendations.

CASE 3801

REQUEST: Christopher Simcik is seeking to establish a dog rescue on A-1 Agricultural zoned property. Applicant is also seeking a variance of approximately two hundred and seventy-five (275) feet from the west side yard setback requirement of five hundred (500) feet and approximately two hundred (200) feet from the east side yard setback requirement of five hundred (500) feet from neighboring residential and agricultural zoned properties. The property located at 5149 Beech Log Road, Lots 2, 3 and 4, Benny Thompson Property is Parcel 7 on Wilson County Tax Map 126. The property consists of 14.27 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 AGRICULTURAL (A-1) – 5.20.03 USES PERMISSIBLE ON APPEAL (revised 12/15/2003 resolution 03-12-2) – L. Dog kennel; 3. All kennel facilities must be located

a minimum of five hundred (500) feet from neighboring residential or agricultural zoned properties.

ACTION: Staff read recommendations amending the variance that was needed on the west side yard to three hundred and twenty-five (325) feet. Applicants appeared before the board. Robert J. Lannom residing at 4137 Beech Log Road appeared with concerns and opposing the request. Darren Edington residing at 5369 Beech Log Road appeared with concerns and opposing the request. Harold Kuhn residing at 5001 Beech Log Road appeared in opposition. Phillip Lea residing at 4976 Beech Log Road appeared in opposition and respectfully ask the applicants to withdraw their request or respectfully asked the board to deny the request. Planner, Tom Brashear read letters of opposition from area property owners and also read a letter of opposition from Commissioner Terry Ashe. Applicants addressed the board with the area property owner's concerns. The applicants then requested to withdraw the request. After discussion, motion made by Abercrombie, second Kawczynski and all voting aye, the request was withdrawn.

CASE 3802

REQUEST: Paul Crockett is seeking a variance of ten (10) feet from the front yard setback requirement of thirty (30) feet and a variance of twenty (20) feet from the rear yard setback requirement of forty (40) feet. The properties located on Flippen Road, Lots 1, 2, 3, 4, 5 and 6, Chip Smith Property is a portion of Parcel 33.06 on Wilson County Tax Map 16. Lot 1 consists of 1.59 acres, Lot 2 consists of 1.66 acres, Lot 3 consists of 1.90 acres, Lot 4 consists of 3.06 acres, Lot 5 consists of 2.63 acres and Lot 6 consists of 2.89 acres. All lots are zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 AGRICULTURAL (A-1) - A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan: 3. Minor Streets - thirty (30) feet - C. REAR YARD 1. For principal structures there shall be a rear yard of not less than forty (40) feet.

ACTION: Staff read recommendations. Applicant appeared before the board. Bill Ham residing at 3520 Belotes Ferry Road appeared in opposition. Planner, Tom Brashear read a letter of concern and a letter in favor. After discussion, motion made by Neal, second by Thorne and all voting aye, the request was approved based on the properties adjoining corp property.

CASE 3803

REQUEST: Bryan McGee is seeking a variance of twenty-four (24) feet from the front yard setback requirement of thirty (30) feet. The existing house is six (6) feet from the front property line and built in 1954. The variance will allow the applicant to make an addition to the existing house. The property located at 184 Draper Lane is Parcel 82 on Wilson County Tax Map 67. The property consists of 1.94 acres and is zoned R-2 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.11 SUBURBAN RESIDENTIAL (R-2) – 5.11.05 AREA REGULATIONS – A. FRONT YARD – B. Minor Streets – thirty (30) feet

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

Secretary